

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

REGINALD GRANT,
Plaintiff,

v.

AMAZON.COM SERVICES LLC,
Defendant.

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Civil Action No. 3:22-CV-0439-S-BH

Referred to U.S. Magistrate Judge¹

RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Before the Court is the *Motion for Leave to Proceed In Forma Pauperis/Affidavit* [sic] of *Indigency by Petitioner*, filed on November 8, 2023 (doc. 63), which is liberally construed as a request for leave to proceed *in forma pauperis* on appeal.

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation filed in this case on September 1, 2023 (doc. 52). The request also should be denied because the plaintiff has not established that he is a pauper. A review of the plaintiff's *in forma pauperis* affidavit shows that he has an average monthly income of \$3,600, \$500 in cash and checking accounts, and assets valued at \$10,000, with \$2,895 in total monthly expenses, which reflects sufficient funds to pay the applicable filing fees on appeal.

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

SIGNED this 14th day of November, 2023.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ By *Amended Miscellaneous Order No. 6* (adopted by *Special order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.